

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DAEVON LYONS,

Plaintiff,

DECISION AND ORDER

04-CV-6157L

v.

MICHAEL MCGINNIS, et al.,

Defendants.

In plaintiff's *pro se* complaint, he alleges that defendants have violated his constitutional rights, and he seeks relief pursuant to 42 U.S.C. § 1983. Discovery disputes were referred to United States Magistrate Judge Marian W. Payson pursuant to 28 U.S.C. § 636.

Discovery disputes developed among the parties, and plaintiff moved to compel certain documents. Magistrate Judge Payson issued a thorough Decision on June 22, 2006 (Dkt. #127), denying Lyons' motion to compel, but granting, in part, his request for copies of court documents. Plaintiff has filed objections and an appeal to Magistrate Judge Payson's Decision by letters dated June 27, 2006 (Dkt. #131) and July 6, 2006 (Dkt. #132).

I have reviewed plaintiff's lengthy submissions, and I see no reason to reverse or modify Magistrate Judge Payson's Decision concerning the motion to compel or her decision concerning providing copies of court orders to plaintiff. The standard for reviewing decisions of a Magistrate

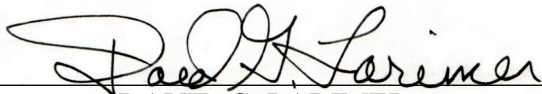
Judge is whether the order appealed from is “clearly erroneous” or contrary to law. 28 U.S.C. § 636(b)(1)(A). I believe Magistrate Judge Payson’s Decision is sound, proper and well within her discretion. That order clearly does not rise to being clearly erroneous or contrary to law. Plaintiff’s appeal, therefore, is denied.

As to plaintiff’s request for all of the filings in this case, I also agree with Magistrate Judge Payson’s Decision that many are not necessary and, therefore, her decision providing certain documents and giving plaintiff leave to make specific requests is not clearly erroneous.

CONCLUSION

The Decision and Order of United States Magistrate Judge Marian W. Payson (Dkt. #127) is in all respects affirmed and plaintiff’s objections are denied.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
July 21, 2006.